US Army Corps
of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 25816N DATE: February 5, 2004
RESPONSE REQUIRED BY: March 6, 2004

PERMIT MANAGER: David A. Ammerman PHONE: 707-443-0855 Email: David.A.Ammerman@spd02.usace.army.mil

1. **INTRODUCTION:** The County of Humboldt, Department of Public Works, 1106 Second Street, Eureka, California 95501 (Contact: Ms. Ann Glubczynski at 707-445-7741), has applied for a U.S. Army Corps of Engineers (Corps) permit to discharge approximately 100 cubic yards (CY) of fill and grade or excavate between 150 and 300 CY of gravel substrate in connection with the installation of a low water bridge. The low water crossing would be installed whenever river flow is low enough to enable installation of a crossing (when river flow is well below the permanent partial bridge structure). The crossings would be installed and removed repeatedly all year round, including winter periods, but only during low flow conditions. The project site (See Sheet 1 of 3) is located on the main stem Eel River adjacent to the community of McCann, approximately 45 miles south of Eureka, in Humboldt County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROPOSED PROJECT:**

Project Site: The project would be located at the McCann crossing on the main stem Eel River, between Dyerville Road and the community of McCann. McCann is located adjacent to the east or right bank of the Eel River. Current conditions at the site consist of a dynamic riverine aquatic environment on the main stem of the Eel River and with a riparian vegetation corridor located above the Ordinary High Water mark of the Eel River. Beyond the east or right bank of the river there are a few open agricultural fields separated by a row of young conifer trees and vestigial riparian shrubs. Behind the fields, the terrain grades to relatively steep forested slopes. Behind the fields, the terrain grades to relatively steep forested slopes. Beyond the west or left bank of the river is Dyerville Road, a county road that parallels the river and a railroad grade (Northwestern Pacific Railroad) that is currently not in use. Redwood and Douglas fir forest (some old growth) also parallels the river. A high and steep landslide that was accelerated by 1995 and 1996 winter storm runoff, flows into the river just downstream from the McCann crossing. This landslide has cut off both the railroad and Dyerville Road surfaces at various times during peak winter rains.

The river floodplain at McCann is approximately ¼ mile in width. Spring and summer low flows expose an extensive gravel bar adjacent to the right bank of the river. The existing structural partial crossing consists of a permanent section 300 feet in length between the left bank and part way across the river channel. This structure consists of concrete decking and a series of steel pilings for support. This partial structure was constructed shortly after the 1964 flood of record. Every winter at river high flows, the partial bridge is submerged. During low flows there is a gap of approximately 50-100 feet between the partial bridge and the right bank of the river. The crossing is not usable during low flows until gravel

fill is placed in the gap to complete the crossing.

Project Description: As shown in the attached drawings (See Sheets 2 of 3 and 3 of 3), the applicant plans to place 100 CY of gravel fill to complete the gap in the bridge as mentioned above and, if necessary (depending on gravel and sediment accumulation) excavate gravel and sediment (may vary between 100 and 300 CY depending on winter accumulation) from underneath the existing partial permanent bridge to ensure free river flow under this section. Gravel for the gap in the bridge would be obtained from the nearby adjacent gravel bar and placed in the gap with an excavator or front-end loader. The approaches to the bridge on both ends of the McCann crossing would also be graded and smoothed to make a transitional ramp onto the bridge sections. Sediment and gravel excavated from underneath the partial bridge section would be hauled off and either stockpiled above Ordinary High Water near an upland disposal site on Dyerville Road or near the right bank of the river adjacent to the east end of the bridge. The County of Humboldt would install the crossing not only during the summer low flow periods, but also at times during the winter when river levels recede to where the permanent partial structure re-emerges above the river water level. The winter river flow can also reach this elevation during dryer than normal winter seasons. It appears that the McCann crossing can be installed when the flow reaches as low as 1,500 cubic feet per second (cfs) (as measured at the Fort Seward river gage) or possibly higher at 2,500 cfs with river stage heights at approximately 9 to 10 feet higher. The gap of gravel between the partial structure and the right bank is allowed to wash out during high river flow events and then the partial structure submerges below the river level.

Purpose and Need: The basic purpose of this project is to allow people in vehicle traffic (cars and trucks) to cross the river to reach the right bank of the river at McCann during low flow periods. The overall purpose of this project is to allow landowner to reach their private residences by vehicle across the Eel River during low river periods, to create access during river flow periods for emergency vehicles, and also to allow the crossing of timber company vehicles to reach timber management areas.

Impact: The project will result in 100 CY of fill onto approximately 500 square feet of river bed to fill the gap between the permanent portion of the bridge and the right bank road access and to discharge approximately 300 to 1,000 CY of fill during grading of the approach access at either end of the bridge covering an area of approximately 5,000 to 10,000 square feet of Corps jurisdictional waters.

Mitigation: The applicant, after completion of each episode of bridge crossing installation, would grade the river bar and bed surface smooth so that no depressions would be left to trap fish or cause fish passage problems and would return river bed surfaces to as near pre-bridge installation contours as possible. No vegetation would be removed during bridge installation, therefore, no mitigation for vegetation impacts would be necessary (including riparian vegetation). All excess gravel or sediment fill, including materials excavated from underneath the bridge that has accumulated over the winter, would be disposed of onto dry river terrace surfaces above Ordinary High Water or at selected roadside disposal turnouts adjacent to Dyerville Road.

3. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 *et seq.*), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless

otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NOAA Fisheries) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include coho salmon (*Oncorhynchus kisutch*), chinook salmon (*O. tshawytscha*), and steelhead (*O. mykiss*). The main stem Eel River at the McCann reach is critical habitat for coho salmon. The Corps initiated Section 7 consultation with NOAA Fisheries for an earlier permit application for this same project on May 2, 2000. By letter dated October 17, 2000, NOAA Fisheries concurred with the Corps' determination that the project as described above would not likely adversely affect the coho salmon, Chinook salmon or steelhead, nor would the project destroy or adversely affect critical habitat for coho salmon. The Corps issued Permit No. 25816N under Nationwide Permit 14, Linear Transportation Projects, on January 16, 2001. However, this permit expired on January 16, 2003. Therefore, the Corps will re-initiate Section 7 consultation with NOAA Fisheries regarding the anadromous salmonid species listed above and to cover the proposed McCann project under Essential Fish Habitat provisions detailed below.

Magnuson-Stevens Fisheries Conservation and Management Act: NOAA Fisheries and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Specific EFH concerns associated with this proposal include habitat for coho salmon and Chinook salmon. Coordination with the NOAA Fisheries in regard to EFH will be initiated concurrently with the ESA consultation.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has been notified to either apply for State water quality certification or contact the California State Water Quality Control Board to determine if previously issued water quality certifications for this same project are still valid. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume that water quality certification has been granted if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403; by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404 (b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland dependent. The applicant, in the application to the Corps, state that no practical alternatives, that would be less environmentally damaging to the aquatic

environment, are available for the McCann crossing. The only alternative to a bridge crossing by McCann residents is by boat ferry during winter high flows (when the bridge crossing is usually closed). The boat ferry, which was operated by the County in the past, was used to ferry a limited number of people (without their vehicles) across at any one time. It appears unlikely that a boat ferry service would continue because (1) of cuts in County funding and (2) crossing of the river at high flows can be hazardous. There are no other practical road detours available during the winter months for residents to reach McCann and other areas near the right bank of the river. Another alternative considered by McCann residents is extension of the permanent structure of the bridge to minimize the use of gravel fill to complete the crossing. McCann residents and the County applied to the Corps for a permit to construct an extension to the existing partial permanent crossing structure. The Corps issued Permit No. 23835N (under Nationwide Permit 14) for the bridge extension on August 2, 2002 to the County of Humboldt. However, neither the County nor the McCann residents could provide funding or support to proceed with the bridge extension and, at this time, the project is dropped from consideration. The preferred alternative, therefore, is the proposed project to install the bridge in the conventional manner (by filling the 50 foot gap in the bridge with gravel).

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various County, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

5. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments

concerning this activity. Comments should include the applicant's name and the number and date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to Lt. Colonel Michael McCormick, District Engineers, U.S. Army Corps of Engineers, San Francisco District, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Mr. David Ammerman of our Eureka Field Office by telephone 707-443-0855 or by electronic mail: David.A.Ammerman@spd02.usace.army.mil.

Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.